

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

AMERICAN ECONOMY  
INSURANCE COMPANY,

Plaintiff,

vs.

RAY JONES AND RANDY CLEAVES,

Defendants.

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Case No. 3:23-cv-2602-RJD

**MEMORANDUM AND ORDER**

**DALY, Magistrate Judge:**

This matter comes before the Court on Plaintiff's Motion to Deem Requests for Admission Admitted ([Doc. 61](#)). Plaintiff attached to its motions its First Set of Requests for Admission to Defendant Randy Cleaves, which was served on Defendant Cleaves on February 28, 2024. ([Doc. 61-1](#)). Plaintiff represents that Cleaves failed to timely serve any written answer or objection to American Economy's First Set of Requests for Admission. ([Doc. 61](#) at 2). Plaintiff further attaches to its motion electronic correspondence demonstrating its attempt to meet and confer with Defendant Cleaves as to this discovery dispute. ([Doc. 61-1](#) & [61-2](#)). Plaintiff asks that the Requests for Admission be deemed admitted.

"A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney." FED. R. CIV. P. 36 (a)(3). "The requesting party may move to determine the sufficiency of an answer." FED. R. CIV. P. 36 (a)(6). "On finding that an answer does not comply with [Rule 36], the court may order . . . that the matter is admitted. *Id.* Further, under Local Rule 7.1, an opposing party has 14 days from the service of a motion to file

a response. (SDIL- LR 7.1(b)(2)(A)). Failure to file a timely response to a non-dispositive motion may be deemed consent to the relief requested. (SDIL-LR 7.1(a)(5)).

Here, Cleaves's response to Plaintiff's Request for Admission has been overdue since April 1, 2024. Further, Plaintiff's Motion to Deem Requests for Admission Admitted ([Doc. 61](#)) was filed on June 4, 2024. As of this date, more than 14 days after the Plaintiff's motion filing date, Cleaves has not filed any response. The Court also notes that service was effectuated on June 4, 2024, in that this document was sent via CM/ECF to Cleaves's attorney. As such, said motion is **GRANTED**, and the First Set of Requests for Admission to Defendant Randy Cleaves is **DEEMED ADMITTED**.

**IT IS SO ORDERED.**

**DATED: July 22, 2024**

*s/ Reona J. Daly*  
**Hon. Reona J. Daly**  
**United States Magistrate Judge**